

House File 246 - Introduced

HOUSE FILE _____
BY REICHERT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the vote of qualified electors for elections
2 in drainage or levee districts managed by a board of trustees
3 and including transition provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1902YH 83
6 da/sc/14

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1 1 Section 1. Section 468.510, Code 2009, is amended to read
1 2 as follows:
1 3 468.510 QUALIFICATIONS OF VOTERS.
1 4 Each landowner eighteen years of age or over without regard
1 5 to sex and any railway or other corporation owning land in
1 6 said district assessed for benefits shall be entitled to one
1 7 vote only, ~~except as provided in section 468.511.~~
1 8 Sec. 2. Section 468.511, subsection 1, Code 2009, is
1 9 amended to read as follows:
1 10 1. ~~When a petition asking for the right to vote in~~
~~1 11 proportion to assessment of benefits at all elections for any~~
~~1 12 purpose thereafter to be held within said district, signed by~~
~~1 13 a majority of the landowners owning land within said district~~
~~1 14 assessed for benefits, is filed with the board of trustees,~~
~~1 15 then, in all elections of trustees thereafter held within said~~
~~1 16 district, any person whose land is assessed for benefits~~
~~1 17 without regard to age, sex, or condition shall be entitled to~~
~~1 18 one vote for each ten dollars or fraction thereof of the~~
~~1 19 original assessment under the current classification against~~
~~1 20 the land actually owned by the person in said district at the~~
~~1 21 time of the election, but in order to have such ballot counted~~
~~1 22 for more than one vote the voter shall write the voter's name~~
~~1 23 upon the ballot.~~ The vote of any landowner of the district
1 24 may be cast by absent voters ballot as provided in chapter 53
1 25 except that the form of the applications for ballots, the
1 26 voters' affidavits on the envelopes, and the endorsement of
1 27 the carrier envelope for preserving the ballot shall be
1 28 substantially in the form provided in subsections 2, 3 and 4,
1 29 below. Application blanks, envelopes and ballots shall be
1 30 provided by and submitted to the office of the county auditor
1 31 in which the election is held. The cost of such blanks,
1 32 envelopes, ballots and postage shall be paid by the district.
1 33 For the purpose of this subchapter all landowners of the
1 34 district shall be considered qualified voters, regardless of
1 35 their place of residence.
2 1 Sec. 3. Section 468.512, Code 2009, is amended to read as
2 2 follows:
2 3 468.512 VOTE BY AGENT.
2 4 ~~Except where the provisions of section 468.511, providing~~
~~2 5 for vote in proportion to assessment are invoked, any A person~~
2 6 or corporation owning land or right of way within the district
2 7 and assessed for benefits may have the person's or the
2 8 corporation's vote cast by the person's or the corporation's
2 9 agent or proxy authorized to cast such vote by a power of
2 10 attorney signed and acknowledged by such person or
2 11 corporation, and filed before such vote is cast in the
2 12 auditor's office of the county in which such election is held.
2 13 Every such power of attorney shall specify the particular
2 14 election for which it is to be used, indicating the day,
2 15 month, and year of such election, and shall be void for all
2 16 elections subsequently held. ~~The vote of the owner of any~~
~~2 17 land in a drainage or levee district in any election, where~~
~~2 18 the vote is not determined by assessment, may be cast by~~
~~2 19 absent voters ballot in the same manner and form and subject~~

2 20 to the same rights and restrictions as is provided in section
2 21 ~~468.511 relating to vote by absentee ballot when votes are~~
2 22 ~~determined by assessment.~~

2 23 Sec. 4. AMENDMENT OF ORGANIC DOCUMENTS. A drainage or
2 24 levee district organized as a private entity and under the
2 25 control and management of a board of trustees as provided in
2 26 chapter 468, subchapter III, shall amend the district's
2 27 organic documents, including its articles of incorporation and
2 28 bylaws, in order to comply with this Act.

2 29 Sec. 5. TRANSITION AND ELECTION PROVISIONS. The term of
2 30 office for those trustees of a levee or drainage district in
2 31 which the vote of qualified electors for office of trustee was
2 32 in proportion to assessment of benefits as provided in section
2 33 468.511 shall terminate on the fourth Saturday in January
2 34 2010. Successors to the office of trustee in such districts
2 35 shall be elected at the election held on the third Saturday of
3 1 January 2010, as if it were an original election under section
3 2 468.518, and the tenure of office and election of successors
3 3 shall be as provided in that section.

3 4 EXPLANATION

3 5 Code chapter 468, subchapter III, provides for the
3 6 management of drainage or levee districts by a board of
3 7 trustees elected by landowners in the district.

3 8 Code section 468.510 provides that each landowner in the
3 9 district who is at least 18 years old or corporations are
3 10 entitled to one vote, with one exception provided in Code
3 11 section 468.511, which in part allows landowners to vote in
3 12 proportion to their assessment of benefits at all elections
3 13 within the district. The bill eliminates that exception.

3 14 The bill provides that the board of trustees of such a
3 15 district that is organized as a private entity (e.g., a
3 16 nonprofit corporation) must amend its articles of
3 17 incorporation and bylaws, in order to comply with the
3 18 one=person, one=vote requirement. In addition, the district
3 19 must conduct a new election to elect trustees to serve
3 20 staggered terms.

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